

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

COLUMBIA PROPERTIES OF  
MICHIGAN,

No. 06-10624

Plaintiff,

District Judge Julian Abele Cook

v.

Magistrate Judge R. Steven Whalen

COUNTY OF WAYNE, et.al.,

Defendants.

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**ORDER**

Before the Court is Plaintiff's Motion to Compel Discovery [Docket #34]. Oral argument was held on August 14, 2007.

On August 21, 2007, the Court entered an Order [Docket #49] granting the motion to compel as to Plaintiff's Interrogatory #3, and taking the motion under advisement as to Plaintiff's Interrogatory #1, pending *in camera* review of the requested emails and correspondence listed on Defendant Township's privilege log.

The Court has now conducted the *in camera* review, and finds the following Bates numbered documents protected by attorney-client privilege, and therefore not discoverable:

Nos. 200001-200037  
200039-200044  
200047-200048  
200050-200060

200063-200073  
200091  
200093  
200097  
200099  
400002-400035  
400036-400038  
400070-400082  
400085-400104  
400106-4000120  
400123-400135

The Motion to Compel is DENIED as to these Bates numbered documents.

The Court finds further that Bates numbered documents 400001, 400083, 400084, 400105, 400121, and 400122 are not privileged. However, because these documents, consisting of correspondence between counsel for Plaintiff and counsel for Defendant, are equally accessible to the moving party, Plaintiff's motion to compel these documents is DENIED.

Defendant also included document numbers 400039-400064 in its privilege log but did not provide the Court with these documents. Defendant shall be granted ten days from the date of this Order to submit 400039-400064 for inspection or waive its claim of privilege with regard to these documents.

The documents that Defendant submitted for *in camera* review shall be filed under seal.

SO ORDERED.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: September 21, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on September 21, 2007.

S/Gina Wilson  
Judicial Assistant